

McCARRON & DIES

Louis W. Diess, III □ △
Mary Jean Fassett △
Kate Ellis △
Blake A. Surbey △
Gregory A. Brown °

4530 WISCONSIN AVENUE, N.W., SUITE 301
WASHINGTON, DC 20016
(202) 364-0400 FAX (202) 364-2731

200 BROADHOLLOW RD., SUITE 207
MELVILLE, NY 11747
(631) 425-8110 FAX (202) 364-2731

www.mccarronlaw.com
www.pacawebguide.com

gbrown@mccarronlaw.com

Representing the Produce
Industry Since 1985

□ Not admitted in DC;
practice limited to cases in
federal courts

° Not admitted in DC
△ Not admitted in NY

Reply to Melville, NY

July 19, 2023

VIA ECF AND EMAIL

(Failla_NYSDChambers@nysd.uscourts.gov)

Hon. Katherine Polk Failla
United States District Court
40 Foley Square, Room 2103
New York, New York 10007

MEMO ENDORSED

Re: Theo. J. Katsiroubas and Sons, Inc. v. Rosa Mexicano Co.;
Case No. 23-cv-5977 (KPF)

Dear Judge Failla:

We are the attorneys for Theodore J. Katsiroubas and Sons, Inc. ("Plaintiff") in the above-referenced matter. On July 12, 2023, your Honor entered an Order to Show Cause Why a Preliminary Injunction Should Not Be Issued Under Fed. R. Civ. P. 65(b) (Docket No. 23) (the "TRO"). Pursuant to the TRO, defendants are enjoined and restrained from dissipating PACA trust assets "until further order of this Court or until defendants pay Plaintiff the amount of \$69,494.00 by bank check or wire transfer, at which time this Order is dissolved." TRO at 2d Decretal Paragraph.

I am pleased to report to the Court that defendants have paid Plaintiff the sum of \$69,494.00 by wire transfer, thereby dissolving the TRO and cancelling the hearing on Plaintiff's motion for preliminary injunction scheduled for July 26, 2023 at 3:00 PM. Please note that the balance of Plaintiff's claim in this case remain unresolved, though the parties are currently discussing how to resolve them. Thank you for your attention to this matter.

Sincerely,
McCarron & Diess

By:



Gregory Brown

cc.: Theodore J. Katsiroubas and Sons, Inc.
Mark Heilig (via email: mark@integritascounsel.com)

In light of the above letter from Plaintiff in this matter, the show cause hearing currently scheduled for July 26, 2023, is hereby ADJOURNED *sine die*, as are all deadlines set forth in the Court's July 12, 2023 Order. (See Dkt. #23). Additionally, the temporary restraining order issued as part of that Order is hereby dissolved. The Clerk of Court is directed to terminate the pending motions at docket numbers 11 and 13, as each motion has been rendered moot.

The Court will issue a notice of initial pretrial conference in due course.

Dated: July 19, 2023
New York, New York

SO ORDERED.

A handwritten signature in blue ink, reading "Katherine Polk Failla".

HON. KATHERINE POLK FAILLA
UNITED STATES DISTRICT JUDGE